WP(C) 6197/2006

BEFORE

HON'BLE MR JUSTICE H N SARMA

Heard Mr JI Borbhuiyan, learned counsel for the petitioners and Mr PS Deka, learned GA, Assam as well as Mr SS Dey, learned counsel for the respondent No 5.

This writ petition has been filed on 13.12.2006 and the notice of motion was issued on 8.1.2007 after providing necessary opportunity to the respondents. But no counter has been filed by the respondents.

The short grievance as projected in this writ petition by the petitioner is that the Joint Secretary to the Government of Assam, WPT & BC Department, vide letter dated 4.8.98 addressed a letter to the Deputy Commissioner, Darrang, Mongoldoi, which is quoted herein below:

From : Shri Salim Ahmed, ACS,
Joint Secretary to the Govt. of
Assam, WPT & BC
Department, Dispur,
Guwahati-6.

To : The Deputy Commissioner,
Darrang, Mongoldoi.

Sir,

I am to inform you that it has been brought to the notice of the Government that some Muslim Fisherman residing at Char Areas of Baghpari had managed to obtain OBC Certificates identifying themselves as Maimal (Muslim Fisherman).

In this connection, I am to inform you that the people of Muslim Community earning their livelihood by fishing are not eligible to get OBC certificates, until or unless it is proved that they are Maimal. According to our information, the Maimals are generally residing at Barak Valley District. As such, if any body of your district's applies for OBC certificate as Maimal should be properly investigated to ascertain their authenticity. Further, if any such certificates were issued previously to the Maimal it should be investigated and brought to the notice of the Government .

The report as called for not being furnished subsequent reminder was also issued by the Government to the Deputy Commissioner, Darrang, on 23.6.99 and 6.7.06. The grievance of the petitioner is that the Deputy Commissioner, Darrang, has deliberately withheld said report in spite of direction from the Government for taking necessary action in the matter.

Mr SS Dey, on theother hand, submits that such report has been submitted on 28.4.2006 by the Deputy Commissioner, Darrang, addressed to the Commissioner & Secretary to the Government of Assam, Fishery Department. A copy of the said report has also been furnished before this Court. The said report also contained a report of the Circle Officer, Mongolgdoi, Revenue Circle dated 6.3.2006. The said document is placed on report.

However, the learned State counsel pleaded non-receipt of any instruction in this regard. It appears from the document submitted by Mr Dey that the report called for has been submitted. In that view of the matter, it is for the Government to take necessary action on the said report. However, it is made clear that a copy of the said document communicated by the Deputy Commissioner, Darrang, vide BRF-7/97/381, dated 28.4.06 along with the report of the Circle Officer addressed to the commissioner and Secretary to the Government of Assam, Fishery Department be again sent to the requisitioning authority, namely the Joint Secretary to the Government of Assam, WPT & BC Department, for taking necessary action.

With the aforesaid observations and directions this writ petition stands disposed of. The petitioner is at liberty to furnish a certified copy of the order to the Deputy Commissioner, Mongoloid, for taking appropriate action as directed.